

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 DAVID OLINEY TAYLOR,
17 Defendant.

Case No. CR03-5047RBL
ORDER

18 THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for
19 Extension of Time to File 28 U.S.C. §2255 Motion [Dkt. #139]. Having considered the entirety of the
records and file herein, the Court finds and rules as follows:

20 The Ninth Circuit Court of Appeals issued an order denying Defendant's petition for rehearing
21 and for rehearing en banc on October 24, 2008. Because he did not file a petition for certiorari, the
22 judgment became final 90 days later, on January 26, 2009. See *Clay v. United States*, 537 U.S. 522, 525
23 (2003); Fed. R. Civ. P. 6(a). Because the Defendant has one year from the date the judgment became
24 final to file his motion under 28 U.S.C. §2255, his time for filing a motion has not yet run. Therefore,
25 Defendant's Motion for Extension of Time is not ripe for decision. Defendant's Motion for Extension of
26 Time is **DISMISSED**.

27 **IT IS SO ORDERED.**
28

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
2 appearing pro se.

3 Dated this 6th day of November, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE